

SPECIAL PROCEDURES SUBMISSION

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re application of

FEB 26 2004

Docket No: Q66067

Akira MIYAKE, et al.

OFFICE OF PETITIONS

Appln. No.: 09/965,830

Group Art Unit: 1647

Confirmation No.: 3999

Examiner: J. Seharaseyon

Filed: October 1, 2001

For: NOVEL POTASSIUM CHANNEL PROTEIN

**PETITION TO WITHDRAW APPLICATION FROM ISSUANCE
IN ACCORDANCE WITH 37 C.F.R. §1.313(a) and (c)(2)**

MAIL STOP 313(c)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions the Commissioner to withdraw the above-identified application from issuance in accordance with 37 C.F.R. §1.313(a) and (c)(2). Insofar as Applicant can determine, although the Issue Fee was paid on January 15, 2004, the above-identified application has not been accorded an issue date or a patent number.

The present petition is being filed to request consideration of a Request for Continued Examination in compliance with 37 C.F.R. §1.114 and consideration of an Information Disclosure Statement under 37 C.F.R. §1.97 in the above-identified application.

An Information Disclosure Statement (IDS) and Request for Continued Examination under 37 C.F.R. § 1.114 (RCE) are being filed concurrently herewith.

The concurrently filed Information Disclosure Statement includes reference *Titus, et al.* (1997), cited in an Office Action dated February 4, 2004, during prosecution of a corresponding European patent application. Applicant desires to have this reference considered and made of record. In view of the above, it is respectfully submitted that good and sufficient reasons have been established as to why withdrawal of the application from issue is necessary.

Petition to Withdraw Application From Issuance
in Accordance with 37 C.F.R. § 1.313(a) and (c)(2)
U.S. Appln. No.: 09/965,830

Attorney Docket No.: Q66067

Pursuant to 37 C.F.R. §1.17(i), a check for the Petition fee of \$130.00 is attached.
The USPTO is directed and authorized to charge all required fees, except for the Issue Fee
and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any
overpayments to said Deposit Account. A duplicate copy of this petition and authorization is
enclosed.

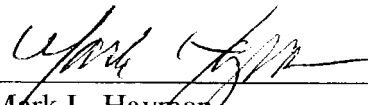
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Mark L. Hayman
Registration No. 51,793

Date: February 26, 2004

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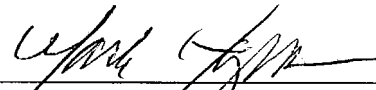
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